

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**VICTOR WAYNE BOGAN
ADC #085355**

PLAINTIFF

v. **CASE NO. 5:15CV00139 BSM**

ARKANSAS DEPARTMENT OF CORRECTION, et al.

DEFENDANTS

ORDER

The proposed findings and recommendations submitted by United States Magistrate Judge Jerome T. Kearney have been received. No objections have been filed. After careful consideration, it is concluded that the proposed findings and recommendations should be adopted in their entirety.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's complaint against defendants is dismissed without prejudice for failure to state a claim.
2. Dismissal of this action constitutes a "strike" within the meaning of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g).
3. It is certified that an *in forma pauperis* appeal would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED this 1st day of July 2015.


Brian S. Miller
UNITED STATES DISTRICT JUDGE